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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,618	05/13/2008	Walter Fursich	2003P05657W0US	2044
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EXAMINER THOMAS, BRADLEY H				
ART UNIT 2835		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/567,618

Applicant(s)

FURSICH ET AL.

Examiner

BRADLEY H. THOMAS

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2009.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-32 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 13-32 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 17 April 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Amendment

1. Acknowledgement is made of the amendment filed 4/17/09.

Claim Objections

2. Claims 13 and 32 objected to because of the following informalities:

Regarding claim 13, in line 10, "a printed circuit board" is claimed, but "a printed circuit board" was already claimed in line 1. It is believed that "a printed circuit board" in line 10 should be changed to "the printed circuit board" to avoid issues of antecedent basis.

Regarding claim 32, "the first plug in device" should be changed to "the at least one plug in device" to coincide with claim 13. Furthermore, claim 13 should be checked for redundancy against claim 13, which claims "the printed circuit board having an extension area, the extension area comprised of at least one plug in device for a first extension printed circuit board".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 13-19, 21-23, 26-29 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Sumer et al. (US 6,688,919).

Regarding independent claim 13, Sumer et al. teaches a housing (100) for receiving a printed circuit board (146) for use in a communication system, comprising:

- a connection area (e.g. 103) configured to be at least partially accessible (e.g. via 108, etc.) from outside of the housing (100) (see Fig. 1, 108);
- a housing cover (comprising 101 and 102) comprised of a first hood (102) and a cover portion (101), the first hood (102) having push through openings (e.g. at 108, see Fig. 1) and at least one attachment mechanism (104), the cover portion (101) having at least one clip connection mechanism (106) sized and configured to releasably retain the at least one attachment mechanism (104) of the first hood (102) (see col. 6, lines 1-13);
- a base housing part (144); and
- a printed circuit board (146) arranged between the base housing part (144) and the cover portion (101), the printed circuit board (146) having an extension area (see Fig. 10 near characters 149 and 147), the extension area (see Fig. 10) comprised of at least one plug in device (e.g. 147) for a first extension printed circuit board (148);
- the cover portion (101) configured to releasably attach (e.g. via fasteners, see Fig. 8) to the base housing part (144) and configured to clamp (upon assembly) at least a portion of the printed circuit board (146) against the base housing part

(144) when the cover portion (101) is attached to the base housing part (144) (see col. 4, line 61 to col. 5, line 14 and col. 5, lines 31-41); and

- wherein the first hood (102) is only releasable from the cover portion (101) after the at least one attachment mechanism (104) and at least one clip connection mechanism (106) are interlocked by use of a tool (e.g. a finger, see col. 6, lines 1-12).

Regarding claim 14, Sumer et al. teaches:

- a second hood (110) adapted to be releasably connected to the cover portion (101), wherein the second hood (110) covers the connection area (103) when the second hood (110) is connected to the cover portion (101) (see col. 3, lines 42-56).

Regarding claims 15-16, Sumer et al. teaches:

- the base housing part (144) includes a guide (e.g. holes in 144) and a support edge (see Figs. 8-10),
- wherein the guide (see Fig. 8) guides (via screws/fasteners) the printed circuit board (146) and the cover portion (101) portion during assembly, and
- wherein the printed circuit board (146) is arranged between the support edge (see Fig. 8) and the cover portion (101) (see col. 5, lines 31-39).

Regarding claims 17-18, Sumer et al. teaches:

- the printed circuit board (146) includes a second plug-in device (e.g. 149, 151) that establishes an electrical connection with a second extension printed circuit board (150) (see col. 5, lines 1-30).

Regarding claim 19, Sumer et al. teaches:

- the push-through openings (e.g. at 108) are arranged to face the connection area (103) (see Figs. 1-2).

Regarding claim 21, Sumer et al. teaches:

- a part selected from the group consisting of the cover portion (101), the first hood (102), and the second hood (110) is manufactured by injection molding (see col. 3, lines 38-56).

Regarding claims 22-23, Sumer et al. teaches:

- a part selected from the group consisting of the cover portion (101), the first hood (102), and the second hood (110) is manufactured from a polymer plastic (see col. 3, lines 38-56).

Regarding claim 26, Sumer et al. teaches:

- the first hood (102) and the second hood (110) adjoin side wall sections of the cover portion (101) in an assembled state (see Figs. 1-2 and 5).

Regarding claim 27, Sumer et al. teaches:

- the first hood (102), the second hood (110) and the side wall sections form a continuous surface when interconnected to the cover portion (101) (see Figs. 1-2 and 5).

Regarding claim 28, Sumer et al. teaches:

- the base housing part (144) has at least one keyhole-shaped cutout for wall mounting (see Fig. 8).

Regarding claim 29, Sumer et al. teaches:

- the base housing part (144) is further comprised of at least one guide (see Fig. 8).

Regarding claim 32, as best understood, Sumer et al. teaches:

- the first plug in device (e.g. 147) is comprised of an extension circuit board (150) (via 126, 149, etc.) (see col. 5, lines 1-30).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Summers et al. (US 6,688,919) as applied to claims 13 and 19 above, and further in view of Arnett et al. (US 6,078,661).

Regarding claim 20, Sumer et al. discloses the claimed invention except for:

- the push-through openings are rectangular break outs having a starting bevel.

Arnett et al. teaches that it is known to have a network interface device with a cover (12) that has rectangular break outs (40, 42) with a bevel (see Fig. 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used beveled rectangular break outs, since the selection of a particular shape is an obvious design choice. See *In re Dailey*, 357 F.2d669, 149 USPQ 47 (CCPA 1966). A beveled opening would have allowed for wires, cabling, etc. to pass through the break outs without as much wear and tear overtime due to the beveled edge. Such a shape and configuration is a known type of break out in the art, and would have yielded predictable results (i.e. desired entry/exit or wiring/cabling) and would have been obvious to try to a person of ordinary skill at the time of the invention with reasonable expectation of success. See *KSR v. Teleflex*, 82 USPQ2d 1385.

7. Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Summers et al. (US 6,688,919) as applied to claims 13, 14 and 16-17 above, and further in view of Krispin et al. (US 2002/0050771).

Regarding claims 24-25, Sumer et al. discloses the claimed invention except for:

- the first hood and the second hood are each curved in a convex shape in a central area running concentrically to a center longitudinal axis.

However, Krispin et al. teaches that it is known to form telecommunications housing in a convex shape (see Fig. 1-4). It would have been obvious to one having ordinary skill in the art to have use a convex shape for a telecommunications housing, since such a modification would have allowed for precipitation such as rain and snow to roll down the housing (during outside use of the housing) or any other liquid spill (e.g. during indoor use). The convex shape would have naturally guided precipitation off of the surface of the housing, thereby preventing said precipitation from significantly entering the housing (i.e. avoid and pooling of water, etc.). In regards to the convex shape of the housing, the selection of a particular shape is an obvious design choice. See *In re Dailey*, 357 F.2d669, 149 USPQ 47 (CCPA 1966). As mentioned above, it would have been obvious to one having ordinary skill in the art to have been aware of the benefits of a convex shape (either for benefits as described above in regards to resisting penetration) or for improved manufacturing (see [0011] of Krispin et al.).

8. Claims 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sumers et al. (US 6,688,919) as applied to claims 13, 14 and 16-17 above, and further in view of White (US 4,749,359).

Regarding claims 30-31, Sumer et al. discloses the claimed invention except for:

- the second hood has at least one twist lock and at least one snap-in hook, each snap-in hook adjacent a respective twist lock and wherein the second hood is releasable from the cover portion without use of a tool;
- the at least one twist lock and at least one snap-in hook are configured to releasably attach to the cover portion when at least a portion of the at least one snap-in hook is inserted into at least one opening formed in the cover portion.

Sumer et al. teaches that the second hood (110) has a fastener (120) that attaches to an opening (121) in the cover portion (101), but does not explicitly teach a twist lock and at least one snap-in hook. However, White teaches an interface device that uses a twist lock (30), opening (33) and a hook (24) to secure a cover (10) to a body (15) (see Figs. 5-6). It would have been obvious to one having ordinary skill in the housing art at the time the invention was made to have used a twist lock and hook configuration to secure two parts together, since such a modification would have allowed for a more secure attachment of the parts via the dependent relationship of the lock and hook. Although White teaches a screw (25) securing hook 24, it would have been obvious to forgo a locking screw to avoid the need for a tool. A lock and hook fastener combination is a known type of fastener combination, and would have yielded predictable results (i.e. desired latching/attachment of two parts) and would have been obvious to try to a person of ordinary skill at the time of the invention with reasonable expectation of success. See *KSR v. Teleflex*, 82 USPQ2d 1385.

Response to Arguments

9. Applicant's arguments with respect to claims 13-29 have been considered but are moot in view of the new ground(s) of rejection. A new reference (Sumers et al.) has been used to reject the current claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references teach communication system housings with cover portions: Bhargava (US 4,716,499), Collins et al. (US 4,827,504), Collins et al. (US 4,910,770), Garver et al. (US 5,901,220), Kobayashi et al. (US 6,830,458) and Vicenza et al. (US 6,848,946).

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRADLEY H. THOMAS whose telephone number is (571)272-9089. The examiner can normally be reached on 7:00am - 3:30pm (Eastern).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayprakash N. Gandhi can be reached on 571-272-3740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BHT

/Jayprakash N Gandhi/
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